

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUIS FRANCK, LI ZHEN FENG,
YERALDIN REYES, CHARISMA BARBER,
CASSONDRA FLOYD, and ELIZABETH
GUERRERO,

Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs, Case No. 21-CV-4955 (GHW) (JLC)

v.

NEW YORK HEALTH CARE INC., MURRY
ENGLARD, and GLEN PERSAUD,

Defendants.

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF THE CLASS AND COLLECTIVE ACTION
SETTLEMENT AND RELATED RELIEF**

PLEASE TAKE NOTICE THAT upon the parties' Class Action Settlement Agreement ("Settlement Agreement"), annexed as Exhibit A to the Declaration of J. Burkett McInturff in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of the Class and Collective Action Settlement and Related Relief, the accompanying Memorandum of Law, and all other papers and proceedings herein, Plaintiffs Louis Franck, Li Zhen Feng, Yeraldin Reyes, Charisma Barber, Cassandra Floyd, and Elizabeth Guerrero ("Plaintiffs") hereby move this Court under Federal Rule of Civil Procedure 23 and Rule 7.1 of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York for an Order:

- (1) granting preliminary approval of the settlement embodied in the Settlement Agreement;
- (2) preliminarily certifying the proposed "Rule 23 Class" and "FLSA Collective" for

settlement purposes;

- (3) approving the parties' proposed Notice of Proposed Class Action Settlement and Final Hearing and directing its execution;
- (4) appointing Wittels McInturff Palikovic and Kheyfits Belenky LLP as Class Counsel;
- (5) scheduling the Final Approval Hearing; and
- (6) granting such other relief as the Court deems just and proper.

Dated: March 15, 2024
New York, New York

Respectfully submitted,

WITTELS MCINTURFF PALIKOVIC

By: /s/ J. Burkett McInturff

J. Burkett McInturff (JM-4564)

Ethan D. Roman (ER-5569)

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